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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,102	07/08/2003	Shoei-Lai Chen	PO92202	2383
46103	7590	03/21/2006	EXAMINER	
HDSL 4331 STEVENS BATTLE LANE FAIRFAX, VA 22033			FATAHI YAR, MAHMOUD	
			ART UNIT	PAPER NUMBER
			2629	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/614,102	SHOEI-LAI CHEN	
	Examiner	Art Unit	
	Mike Fatahiyar	2674	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (6,909,421 B2) in view of Harris et al (2005/0052423 A1) and Hassig et al (2003/0201977 A1).

Wang discloses a wireless cursor-controlling device comprising a controller (2) including a main body and a cover; the main body including a first containing space (25) for placing at least one battery and a second containing space (213); a receiver (1) including a connecting portion (12) capable of placing in the second containing space (213); a holding portion (26); a separating plate (see figure 1 and 2, wherein the first and the second containing spaces are clearly separated by a dividing plate as shown) and a resilient portion (27) including a spiral spring (27) which all function as claimed. Wang substantially teaches all features of the above claims except for the "rectangular shape", the "cover closely covering above the first and second containing space", an "infrared transmitter", the "page-up and page-down buttons", the "mouse button" and the "enable button". However, Harris et al is cited to show that the concept of utilizing a rectangular shape controller having a cover closely covering above containing spaces and an infrared transmitter (108) is old (see paragraph [0062] and figures 1-3). Also, Hassig et al is cited to show that the concept of utilizing a page-

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up(12g), a page-down(12n), a mouse button and enable buttons(6a, 6b,12) in a mouse controller is old(figure 1). Thus, it would have been obvious to one of ordinary skill in the art to modify the system of Wang with the above noted teachings of Harris et al and Hassig et al such that to provide a substantially rectangular shape mouse controller having a cover closely covering the first and the second containing spaces wherein the front end of the controller has an infrared transmitter and the controller includes a page-up button, page-down button, a mouse button and an enable button because all the applied references are related to cursor control devices having various types of functional keys.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang, Harris et al and Hassig et al as applied to claim 1 above, and further in view of Derocher et al(6,304,249B1).

Wang, Harris et al and Hassig et al are discussed above. Derocher et al is cited to show that the broad concept of utilizing a leaf spring(94) as a resilient portion part of an ejector mechanism in a mouse device is old. Thus, it would have been obvious to one of ordinary skill in the art to apply the noted teaching of Derocher et al to the modified system of Wang such that to provide a leaf spring as opposed to the spiral spring in the ejector mechanism(27) because all the applied references are related to the housing structure of a mouse device and further because the use of a leaf spring or a spiral spring as a resilient portion as part of an ejector mechanism are considered to

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be alternative equivalent of each other which substitution of one for another is well within the purview of one of ordinary skill in the art.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kehlstadt et al and Kuo are made of record to show various types of mouse devices having hotkeys such as page-up or page-down buttons.

5. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Fatahiyar whose telephone number is (571)272-7688. The examiner can normally be reached on Monday-Friday from 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
ART UNIT 2600

MF
M. Fatahiyar

March 18, 2006